

Estate in Lands Tenements &c.

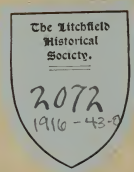
Estate in Copy. & Expectancy.

This mark (§§) denotes the commencement of a new
section, in any ~~portion~~ portion manuscript.

This mark (==) at the end of a section, denotes,
that the section following ought to be united
with it.

This mark (*) signifies a note.

This mark (+) signifies an addition to the text.



Of Real Property.

Things or the subject of property, by the com. law, of two kinds: viz. Real & Personal. 2 Bl. 10.

Things real are such, as are hereditary, fixed & immovable, as lands & tenements; all other things are personal, as goods, money, & chattels. Learning of the realty. 2 Bl. 10. 384. 387. 1 Inst. 118. 2 Wood. 4.

Things real ~~are~~ consist of lands, tenements, & hereditaments. - "Land" includes all things of a permanent & substantial nature. 2 Bl. 10.

"Tenement" is a word of greater extent, denoting, in its orig. & legal sense, any thing of a fixed, permanent nature, that may be held, corporeal or incorporeal. Ex. lands, rents, franchises, right of com. de. 2 Bl. 17. 1 Inst. 6. 19. 20. This description excludes moveable things.

"Hereditament" is, a still more general term, for it includes not only lands, & tenements, but chattels may be in hereditament when the corporeal or incorporeal, real & personal are mixed. - Ex. An hereditament is any thing reasonable - Ex. a constituted benefit of a house residence. 2 Bl. 17. 2 Co. 2. - as if constituted multiple in fee simple.

Hereditaments moveable land: Personal & moveable. 2 Bl. 17.

+ is a personal chattel, but

Of Real Property.

2d. "2d." "3d."
Not her bones,
simply.

Interests consist of Substantial per-
manent rights, not^{to} be included in
the gen. Enumeration of Land^s. The Land, in
legal acceptⁿ, comprehends not only any
ground, soil or earth, but ^{works,} waters, & buildings.
2 Bl. 1. 8. 1. Art. 4.

So, that a conveyance of Land, houses &c
^{works} buildings, & waters, ^{including} upon it.
2 Bl. 18.

And, action will not lie to recover a
pool or stream of water, as heretofore, but
the description should be, of land which
covered w. water. (2 Bl. 18. Brown c. 102.) - For
in water, one can have only a transient,
usufructuary, brake, &c.

"Land", in its legal significⁿ, has, also
an indefinite extent upwards & downwards.
Reins & plumb. - Hence, the right of ac-
tion for over-hanging one's Land. (2 Bl. 18.)

+ without any
term of ren-
der, or restriction.

Since^{also}, a conveyance of "Land" carries, also
the minerals, & fossils, contained in it, as well
as the woods, waters, & building standing upon it.
2 Bl. 18.

These particular subjects may, however,
be conveyed by their appropriate names -
except in the instance of water, by a grant of
not nothing, houses, but a right of fishing in it.
2 Bl. 18. 9. Co. L. 4. 5. 5.

An incorporeal hereditament is a right, being out of, concerning, annexed to, or exercisable within a thing corporeal or personal.
Ex. Right of fishing out of land, or annuity, &c.
2 Bl. 20. Co. L. 12. 20.

But there is a distinction between the incorporeal hereditament itself & the profit or it produces. The latter is a thing corporeal. Ex. The money produced by rent, is corporeal, but the right to it is incorporeal - not an object of seizure. (2 Bl. 20-1.)

For the kinds of incorporeal hereditaments (see me tea) see 2 Bl. 21. & advowsons, tithes, commons, ways, offices, dignities, franchises, advowsons, annuities, &c.

As to right of common. - This is a right, which one has to a profit in, or upon, the land of another, as, to feed his beasts, to catch fish &c. (2 Bl. 32. Fouldes Law, 157)

As to common of piscary, (the right of fishing on another's land) the rule, in the case of a navigable river or arm of the sea, is, that the right of soil in the bed of the river is belonged to in the king, or the state; but the right of fishing is common - in the river, not navigable, the right of soil & fishing is exclusively in the adjoining proprietors.
4 Bl. 210. Dougl. 425. 105. 2 Bl. 179. 0. 179. 73. 11. 30. 3. 11. 242. 4. 11. 47. 2 Bl. 1. 472. 1. 11. 34. 1. 11. 382. 5. 11.

Chion b. l.
red-tintment

+ Marigableri
vz (or arm of fr
scap, what.

But the right of soil is a reasonable
right, as well as the exclusive right of fishing
may be granted to individuals. (52 A. 10.
2 Rev. R. 472. D. 325. S. Harv. Party 12. Hale
de Line Shanty, 25 - 1 Rev. R. 382. 570). Ex. on v. Con-
stitution & Jackson, of such rights of fishing.

+ i.e. v. sub
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The same distribution, as given in the
 case of harpagoferris, refers to the Fla-
poric; between high & low water mark. (2
 Br. & Nat. 472. 5. 2. 117. Br. 320. f. Br. &
 Lokenood. 26. 2. 1871. 1. 2. 3. 4. Br. 2184.
 Com. D. N. 1871. 2. 4.

For other materiality it increases benzotriazole
see p. B. 2. vol. 2.]

Shilpe land to be discovered on the sea shore
on a navigable river - How is it to be
low or high water mark? - Low water mark
concluded. Look out for high water mark, I presume; y^e soil
between high & low - belonging to y^e State. (~~not a riparian~~)

Ancient
Water-courses,
2 Cor. R. ~~4~~ 584.
Frag. in Ca. 20
See for y. & w. & h.
w. of all heads
2 Cor. R. 584.
East 208. 1600.
R. 382. 1. 300. 400.
1 Camp. 2 68.
10 John. 2 44.
4 John. 2 44. 8
10 John. 30. 15 John
213. 1. 74. 174.

Of natural water-courses, even running, within
the land a right to use the water, within his own lands,
for agriculture, for other domestic purposes, for watering his
cattle. This right it seems, is absolute.

So, he has a right to use y.^e stream for mills, &
other water machinery, but not to, as to exhaust y.^e
steam, or to try to detain y.^e slipping run or below, &
y.^e use of it for y.^e purposes, first mentioned; nor
to overflow y.^e land of others, above or y.^e stream.

He, to divert it, for irrigating his land, pro-
vided he returns y.^e stream to its orig.^l channel,
before it reaches y.^e line of y.^e next adjoining owner
below. & y.^e diminution of its quantity in y.^e way, is
no legal injury. But he must not divert it be-
yond, & away from, y.^e land of y.^e owner below.

Such are the orig^l rights of the ^{expansion to} ~~admission~~ ^{admission} of persons:
But one may, by grant or 20 years' adverse user (15 in C.),
acquire a special right to trespass or divert ~~of~~ ^{the} ~~water~~ ^{water}.

Or he may then require a right to overflow the
land of another, who owns land higher up stream. (see
autho. p. 4. map) - or to cut another of his right right
to erect dam, for mills, factories &c.

Of Estates in Lands Tenements & Appurtenances.

Of Freehold Estates of Inheritance.

An estate in lands &c. is the interest that the tenant has in them. — Thus, if one conveys all his estate in land to A. & his heirs, all his interest in the sub. is conveyed & he has. 2 Bl. 103. Co. l. 345. 1 R. 411.

"Etc." is sometimes used to express the sub. in w. there is an int. — See e.g. one lot of land 2 R. 252. 2 R. 338. city 414. 1 R. 432-4.

The quantity of int. w. a tenant has in land &c. is measured by its duration. Hence, the primary division of est. into, fee, as one freehold, & less as one leasehold. 2 Bl. 103-4.

6.24.

A freehold estate is one, to the owner of a house of Living, or, in tenements of incorporeal nature, which is equivalent to it, is recogniz'd at com. law. 2 Bl. 104. Litt. p. 57.

Estates of freehold are either estates of inheritance or est. not of inheritance. The former are divided into inheritances absolute (w. are called est. in fee simp.) & inheritances limited. 2 Bl. 104.

The simple.

I An inheritance absolute (i.e. fee simp.) is an est. in lands &c. w. one holds to himself & his heirs forever & perpetually without restriction to any particular heirs. 2 Bl. 104. 100. Litt. p. 1.

See above.

Of Freeholds of Inheritance.

7.

Free ^{originally,} has the same meaning, as free, or freehold - which in its proper sense, is taken in contradistinction from allodialism. The latter signifies an estate, where one has in his own right, & holds of no lord. (2 B. 145. 45. 47.)

+ after the int. of
the tenant is de-
termined.

Free, in its orig. sense,
Free is an estate ^{held} ~~held~~, ^{held} of some fe-
lony, in whom the ultimate body of the
Land resides. And in Eng. all tenures are
held mediately or immediately of the
King - He alone has the allodial estate or
the absolute & direct dominion. (2 B. 105.)
Hence the law of escheats. - (Explains the variations of tenures, under
the feudal law system).

In cont. the tenure of lands, held to
one & "his heirs" is declared by statute to be
allodial. (Stat. 2. 434. 8.) Yet, the law of escheat
continues here.

An Eng. subject, then, has, on ly the usu-
fruct & not the absolute body of the soil.
Hence the highest estate an Eng. subject can
have, is expressed thus: He is, free tenure,
in his demourne, as of free. & c. it is his de-
mourne, or body for he holds it to himself &
his heirs forever. But his demourne is not ab-
solute, but qualified; hence the words. as
of free. (2 B. 105.) - i.e. as of free - as of a feud, & c.

But the word, free, is now, seldom used in
its orig. sense, i.e. as contradistinguished from al-
lodial; it is now, used to denote the continuation
or quality of estate; (2 B. 106.) not of tenure.

The simple.

Of Freeholds of Inheritance.

Free, then, in its ^{present} ordinary acceptⁿ, signifies an est. of inheritance, & when used without an adject, or with the adject^{ve}, "simple" is used in contradistinction from a fee cond. or fee tail (2 Bl. 100) - i.e. as denoting an absolute fee.

A fee, in this sense, may be had in any condition ^{or} condem or incor. cond.. But, of an incorp^d condition, one is said to be seized "as of fee" - not "in his demesne, as of fee" - for he has no, prop^y in the demesne or condem sub^j; but merely a right, derived out of it. (2 Bl. 100-7. 20. Litt. §. 10)

The fee simp. or inheritance of lands or tenements is, ^(I think always) vested, & resides, in some person - cannot be in absence, i.e. in absent (2 Bl. 107).

But several inferior est^s may be derived out of the fee. If of one, ^{seized in fee simple} seizes to it, for life, or years, the fee simp. remains vested in him & his heirs. And after the determin^g of the term the land reverts to him or his heirs, ~~as before~~ ^{in possⁿ} (2 Bl. 107).

But accord^g to Blackb.^l if a person ^(now living) made to it, for life, con^{vey} to the heir & he rem^{ains} is in absence, till the death of him. He rem^{ains} est^{ate} being vested - it can not be re-vested (2 Bl. 107).

+ Quoniam.

But this seems not to be law. It remains in the possession of his heir (Plame 275. 285-6. 287. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 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1839. 1840. 1841. 1842. 1843. 1844. 1845. 1846. 1847. 1848. 1849. 1850. 1851. 1852. 1853. 1854. 1855. 1856. 1857. 1858. 1859. 1860. 1861. 1862. 1863. 1864. 1865. 1866. 1867. 1868. 1869. 1870. 1871. 1872. 1873. 1874. 1875. 1876. 1877. 1878. 1879. 1880. 1881. 1882. 1883. 1884. 1885. 1886. 1887. 1888. 1889. 1890. 1891. 1892. 1893. 1894. 1895. 1896. 1897. 1898. 1899. 1900. 1901. 1902. 1903. 1904. 1905. 1906. 1907. 1908. 1909. 1910. 1911. 1912. 1913. 1914. 1915. 1916. 1917. 1918. 1919. 1920. 1921. 1922. 1923. 1924. 1925. 1926. 1927. 1928. 1929. 1930. 1931. 1932. 1933. 1934. 1935. 1936. 1937. 1938. 1939. 1940. 1941. 1942. 1943. 1944. 1945. 1946. 1947. 1948. 1949. 1950. 1951. 1952. 1953. 1954. 1955. 1956. 1957. 1958. 1959. 1960. 1961. 1962. 1963. 1964. 1965. 1966. 1967. 1968. 1969. 1970. 1971. 1972. 1973. 1974. 1975. 1976. 1977. 1978. 1979. 1980. 1981. 1982. 1983. 1984. 1985. 1986. 1987. 1988. 1989. 1990. 1991. 1992. 1993. 1994. 1995. 1996. 1997. 1998. 1999. 2000. 2001. 2002. 2003. 2004. 2005. 2006. 2007. 2008. 2009. 2010. 2011. 2012. 2013. 2014. 2015. 2016. 2017. 2018. 2019. 2020. 2021. 2022. 2023. 2024. 2025. 2026. 2027. 2028. 2029. 2030. 2031. 2032. 2033. 2034. 2035. 2036. 2037. 2038. 2039. 2040. 2041. 2042. 2043. 2044. 2045. 2046. 2047. 2048. 2049. 2050. 2051. 2052. 2053. 2054. 2055. 2056. 205

Of Freeholds of Inheritance

See single
Chanc. 114

As if a dev. of all freehold in, to A. Chanc. 114
Chanc. 114

* tho' not in
proper in
technical
language.

It is a limitation to give a fee in residual est.
as in dev. of Chanc. 322, 2 R. 30, R. 2072, 4 R.
2073, Chanc. 114
Words of a dev. of land to A. Chanc. 114
without words of perpetuity - so such intention
appears.

Chanc. 114

As a dev. to A. of all my estate, "I having
a fee single", Chanc. 114, Chanc. 322, 2 R. 30, R. 2072, 4 R.
2073, Chanc. 114, R. 223, 2 R. 432, W. 228, 3 R. 205,
Chanc. 114, Chanc. 322.

+ Chanc. 114
Chanc. 114
Chanc. 114

Some have taken a distinction between
a dev. of all my estate, "I having
a fee single", & Chanc. 114, Chanc. 322, 2 R. 30, R. 2072, 4 R.
2073, Chanc. 114, R. 223, 2 R. 432, W. 228, 3 R. 205,
Chanc. 114, Chanc. 322.

But a dev. of all my estate in the residual est.
Chanc. 114, Chanc. 322.

As a dev. of all my estate present & personal,
I have a fee single estate, Chanc. 114, Chanc. 322, 2 R. 30, R. 2072, 4 R.
2073, Chanc. 114, R. 223, 2 R. 432, W. 228, 3 R. 205,
Chanc. 114, Chanc. 322.

As if a dev. of all my estate present & personal,
Chanc. 114, Chanc. 322, 2 R. 30, R. 2072, 4 R.
2073, Chanc. 114, R. 223, 2 R. 432, W. 228, 3 R. 205,
Chanc. 114, Chanc. 322.

+ Chanc. 114
Chanc. 114

But the word residual does not of itself make a fee
single estate, Chanc. 114, Chanc. 322, 2 R. 30, R. 2072, 4 R.
2073, Chanc. 114, R. 223, 2 R. 432, W. 228, 3 R. 205,
Chanc. 114, Chanc. 322.

Of the hold of Inheritance

Th. Simp.

Let my property ^{in a house with} Siena, have hasa see. about Feb. 22.
222. "propy" having a meaning similar to "estate."

the word, legis may signify a law,
real estate where the institution is manifest
b. ^{It may contain the law.} has the sanctio Long. 39. 1. 11. 12. 13. 14.
20. 1. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40.

But A deed of "lands", without more - or, of "all my
lands" (I have a fee simple) ~~does~~ passes only, an est^{ty} for life.
There being no term of inheritance, or perpetuity.⁺

King, 185-
+ Land is de-
scriptive only
of g^d subject
matter - not of
ext int.

But a deal of "hands" the doc. is keeping
a good form, as debt or legacies &c. will
earn a fee (5 Co. 10. 2 New R. 343) - Jesus, n.
new weight in a copy. Rev. D. 502 H. 2 An. 29.
293. 3 Feb. 47. Bos. H. 30. 3 Bm. 1023. 3 N. R. 358. m 2 H.
E. 213.

But a deed of land, the deed, is
a certain form out of the prolixity, papers
only an estate for life - Deeds cannot be
comp. 239.
Co. 10. 2 Ann. L. 343. - vid. 3rd L. 358. 5th Inst.
87. 3. 3m. 10th 1023.

A dec^e of "land", of a given annual value
per; the dec^e keeping an annuity, less than
the annual value, makes an acre, for its
only - causa supra § 6 Co. 15. 55. 2. 13. 3 Bur.
1533. 15. 15. 1623. - (He has 330) - 2 Bl. 381.

Secord & Hunt, "Solidity" of Land, is in effect 4th case,
as a basis of Land. Cal. 22 & 100. Co. 382. 2. No. 12. 1891. 11th.
Ch. 75. 2. 10. No. 75. 75. 5. 11th. 221. 15. 2. 110. 2. 2. 220. 7. 10. 97

± Ex. gr. As land
but undying estate
~~to be~~ to his wife
of 4th bar. as. 10th
Cous. &c. — Such
words are not
to be taken to carry
a. i.

How far from introductory word, made
carry a, i.e., see 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, 3 Bm, 1025, 1026,
220, 300, 500, 3 Bm - 294, Feb. 15th Jan. 730, or 750, 8th
Oct / 1800. H. #500, n. 10th, L. Sub-4

Fee simple

A. Nicholas vs. A. Brittain.

A will being attested for three witnesses, is not sufficient to show an intention to pass a fee. 7 Astw. L. 110. 7 East, 97. 2 S. R. 220.

A devise of the rents & profits ^{of land} is tantamount to a devise of the land itself. (Fleming, 349. 40-1. 2 Ves. 645.

A stat. of this state enacts, that in devises, the word "land," without words of limit or perpetuity, shall pass a fee simple.

The King.

Again: The word heir is not necessary to
make it in line or consequence. For in
this it heir is not operation of law.
2 R. 108. 354. 357.

So in grant of land to a free commoner the
word heir is not necessary or proper, for the
purpose of having a free. Successors within
the class of heirs. 2 R. 108.

+ not limited
in duration,

other in a grant to a commoner. Successors
within the word, heir, heirs is ne-
cessary. For to have a grant is effectively
only for life, it is equivalent to a grant
of the fee. And an agreement to commoner x
never dies. 2 R. 109. 108. 284.

So a grant to the king - for in jurisdiction
of law he never dies. Besides, his con-
sequence displays wth the consequence. (2
R. 109. 108. 249.) - So then, presumably, heirs, of a grant
of land to the state. Independently
of any sovereign prerogative, it is an aggregate
body politic, like a particular corporation ag-
gregate. - Can then be, in such a grant, any
proper words of limitation?

Base fee.
Fee cond.^o

Of Feoffments of Inheritance.

II. Limitation gives one good estate of inheritance, as one disseisin w. cont. & qualific. of any int. (2 Bl. 107.)

If two, ints.: 1. Qualified or base fee - 2. Fee cont. at cont. law not of wh. ^{last} in congr. of the St. de donee, have become estates tail. 2 Bl. 107.

Let fee, fee one, wh. has a qualification annexed, wh. must determine, when the qualification is at an end. (2 Bl. 209.)

In Grant to St. & his, heir limited of the manor of Dale. When on the heir has to be turned of st. manor, the grant is defeased. 2 Bl. 109. Co. L 2.

2. If in cond. at cont. law is a fee, restrained to some particular heir of donee, as to the heir of his body, or the heir male of his body. (2 Bl. 109.)

Calum condition by reason of the cont. restrained or limited in the gift to that donee ^{dies} shall without his heir, the land shall revert to donee. 2 Bl. 109. Co. L 241.

Of Freeholds of Inheritance.

Free tail.

But ^{by} words, wh in the limiter of an estate
 do create an estate tail by words, a
 remainder in a person & chattel, may be
 limited ^{after a life estate} over by way of ex. deo (3 P.
 11-259. Flame, 255. 1 P.W. 505. Ex. deo 22.)
 1 P.W. 592. 1007. 215. 7. provided the contingency, on
 wh the must happen, if at all within the time ^{pre-} ^{50 B.}
 limited by law Ex. To st. if he die without issue, living ^{3 P.}
 - otherwise not.

* The words, if
 he die without
 issue, are constant
 left strictly, in
 limitation of person
 or of real
 estate. 11. 11. 505. 432.
Flame, 355. 4. II
 307. 4. the used
 in only in 4
 same will, is
 applied to both
 kinds of property

And ^{where} words of entailment may by other
 words, be so restrained, that a subject li-
 mit ~~ed~~ ^{ed} of a chattel int^t will be
 good by way of ex. deo - Ex. deo of a term
 for years to st. & the heirs of his body, if
 he die without issue, living C. then to C.

Flame 354. 371. 4. 225. 1 P.W. 603. 2 P.W.
 700. 200. 232. 237. (Ex. deo 1)

vid. Ex. deo
 24.

in a reversion,
 An estate tail, but ^{in a reversion} may be created by
 implication. Ex. deo to st. if he dies, with-
 out heirs of his body to B. - as, if he dies, with-
 out issue. ^{177.} Flame, 350. 3 P.W. 83. 90. 127. 1. 1 P.W.
 105. 2 P.W. 390. 340. 40. 525. 2 P.W. 308.
 312. 314. 300. 234. 40. 415. 2 P.W. 381. 309.

* Not so, in a
 lease for years.
 11. 281.

So, of a lease to st. & his heirs forever, if he
 die without heirs of his body, to B. - it takes in
 estate tail. (Flame, 301. 2. 7 P.W. 270.) Not so, in a lease.

* Not so, in a
 lease for years, if
 a lease for years
 for years, for
 5 P.W. 337. 300. 234.

So, if the words were, if he die without heirs,
 234. 3 P.W. 45. 5. 8. 25. 211. 5. 335. Flame 92

of Incidents of Inheritance.

Of an devise, ^{land} to A. after his death,
to his children - he then having children;
he ^{clearly} takes an estate for life, & they a reversion
for life; 6 Co. 10 b. also 397. 20. d. p. a. 20m.
525. Doug. 300.

For the intent is, y. they sh^d not take imme-
diately - & they can take, by way of reversion.
No words of limitation are used, to create a
fee tail; ^{Therefore, they cannot take by descent.} (Delayed reversion later.)

And his issue born children will take it the other,
Sund. & Coups. 302, 314.

6. (seemly) if the words were the same, &
A had no children at the time - for the
reason supra 6 Co. 17. a. also 220. (See 2. b. 343.
- See Qu. (Doug. 300) 415. & 417. ap^d 10. d. p. a. 20m.
23.) For some have sup^d y. rule to be diff^t tho' there appears
no suff^r reason for such a distinction, no any suff^r authority for it.
And in this ca. ^{also} every child, y. A's was born,
^{a life-estate} will take, in reversion. 6 Co. 17. b. Coups. 314.

617.

Of an estate limited to A. & the heirs female of
his body; his female issue will inherit, tho' he has
a son - & the female issue are not his, per 4 Co. b.
24. b. 27. b. note, & 4 Co. b. 35. (via Decise, 84.

From 215.
3 b. 338.
c. 215.
d. 54.
Hume, 22. 147.

But it was formerly holden, that if an estate
were limited to the heirs female of A. in branch
sons, & A. has a son, the daughters cannot take
- not being his heirs. 20. d. p. a. 20m. 27. b. note, & 4 Co. b. 27.
But this seems not to be law. 20. d. p. a. 20m. 27.
5 Bar. 2075. 1. Term 2. 422. - via Decise 84. 85. 6.

Section

of Theories of Inheritance.

23.

And a grant, not defining any specific
estate, as a grant for "term of life", you may
take an estate for life of greater or lesser
kind, as you please to make, such grant, as
being more beneficial, you may take in another's life.
(2 Bl. 121. Co. L. 42. 30.)

And an estate, except an estate of inheritance,
at will or by sufferance, just having
no determinate duration, may last during
the tenant's life; is a life-estate. Ex. To a
woman during widowhood - to one till
he shall marry, leave the reason. 2 Bl.
121. Co. L. 42. 30. 20.

And an estate for the tenant's life is usually
granted for the term of his natural life;
because an estate for his life, you may
be determined, at common law by his civil
death - as by entering a monastery. 2 Bl. 121.
2 Bl. 48. Co. L. 132. 1 Bl. 132.

When they grant his civil death does not
determine his estate.

If Freehold not of
Shewitance.

Incidents

The incidents to a life estate (as are applicable as well to lease, as conventional) are, principally, the following:-

1. The tenant, if not restrained by vert. or apt., may, of con. right, take upon the land, reasonable ~~extensive~~ ^{extensive} ~~extensive~~ ^{extensive} i.e. reap, mow, for the use, or furniture of the house or farm; to repair, to burn, to make & repair instrument of husbandry - & to keep hedges & fences in repair. (2 Bl. 35. 122. Co. L. 41. 53); These rights being deemed necessary to the complete enjoyment of the estate.

But not to cut timber for other purposes or to do other waste - Not necessary to the enjoyment of the estate. (2 Bl. 122. Co. L. 53.)

2. Not to be injured by any sudden detention of his estate - as if in his own ac. - Hence if a tree spring, & before harvest he die, his ex. shall have the emblements, or crops - For actus dei he. (2 Bl. 122. Co. L. 55.) Emblements are the crops, or crops, produced by annual labour. (2 Bl. 123.)

Of Freehold not of
Inheritance.

27

Incidents.

So, if custody que vie dies between the time
of marriage & marriage - for some reason 12
Bl. 123. - Ten^t shall have y^t with the incidents.

So, if the est. is determined by op. of
law. Ex. Leave to husb. & w. during co. &
between living & marriage they are divorced
à vinculo - husb. has the incidents.
2 Bl. 123. 5 Co. 110.

p. 48. 41.

Sees, if determined by the act of the
tenant - Ex. By feigning for waste - or if
Ten^t during widowhood manies 12 Bl. 123.
Co. L. 55.

3. Under-tenants, a lessee of ten^t for life,
have the same power greater indign-
er 12 Bl. 123. 4. Co. L. 55.

Ex. gr. If ten^t during widowhood, having
leased her est. manies, between living &
marriage, her lessee shall have the incidents.
- Not his act - he cd. not prevent it. 2 Bl. 124.
Cro. E. 40. 1 Rod. 727.

And at com. law the under-tenant might
on lepos death, leave the ten^t, & avoid the
reim. of all rent accrued after the last rent
day. 2 Bl. 124. 10 Co. 127.

Now in St. W. Geo. he is obliged to pay y^t in the
of the ten^t for life, pro rata 2 Bl. 124.

Freehold, no life
In Reversion.

Reversion.

Lease for life under let for years &c
 during the term, the lease is determined
 by his death - unless previously confirmed by
 the reversioner's Pl. 325 - lit. 570 3. Bac.
 397. 398. 105. Co. 3. 482. 1. 2. 3. 80.

Est. for life forfeited by alienation, for 12 Pl. 125
 Co. 2. 27.) - 60, by waste - by attainder of felony &c.

Of Freehold of real
Inheritance:

Legal.

Anti Epithet

Life est^{ty} created by dev. or law
one of three kinds.

I. Tenat in tail after possibility of issue
extinct, is one, to whom an est^{ty} in specific
tail has been limited, & ^{when} ~~the~~ person, from
whose body the issue was to spring, dies, either
with^{out} issue, or leaving ~~an~~ issue, w^h ^{has} ~~dec.~~
come extinct. 12 Bl. 124. ditto 102. (Ex. 10)

In this ca. the est^{ty} w^h was orig^lly a fee
tail, cannot possibly descend. 12 Bl. 124.

It can be created only in the manner
stated above - not by grant or any mode
of convey^{ance}. (12 Bl. 125.) - only by death of testator,
or wife, of testator in tail.

Since, if an est^{ty} is limited to one
his wife & the heirs of their two bodies,
& they are divorced a vinculo & ⁺ neither
of them has this estate, but they are married
ten^{ants} for life. 12 Bl. 125. Co. 2. 28.

Here where their
issue cannot
inherit -

The law suppresses the possibility of issue,
always to exist till extinguished by the
death of one of the parties. 12 Bl. 125.
ditto. p. 34 Co. 2. 28.

This est^{ty} is of a mixed nature, part being
part of an est^{ty} tail & part of an est^{ty} for
life. 12 Bl. 125.

Of Freehold, holdHereditance.

Legal.

Legal. The tenant ~~is~~ is like a tenant for life in this: that he forfeits his estate by assigning see 2 Bl. 125 Co. L. 28.

like tenant in tail, as not being, assignable for waste. 2 Bl. 125 Co. L. 27.

But if he cut down timber, the property in it is not his - It belongs to that person living at the time, who has the first estate or interest in the land. If a life tenant immediately ^{in fee, or in tail} conveys to A, he, being in life, is entitled to it. - But suppose first conveyed to A for term at the time, in tail, conveyed to B (in life) in tail or in fee, it is see 2 Bl. 240. 2 Bl. 125 Ch. 2.

(or to grant interests),
But in some cases this is regarded, in law, as an estate for life only. - Hence a tenant may convey with him for life. (2 Bl. 125. 223.)

Levi.
Carte.

of Frederick, Md. at
his house.

• The fine must be in full & in arrears to
settle - Hence it is not in your power to pay
any less sum than the full amount due
J. S. Co. & Co.

Time of birth with immature if the
was not - whether of the or during her
time is or is not to - whether it be
and or a time, if the time of her time or
in the 2 th 128 to 2 7 - (proper in the of
child with in the)

0.35

"Lush & man have been by the country
in 1850, ^{and on another day} at the Lake in the morning in
the afternoon evening. On 12-15-16th Oct.
at Wentworth's.

By Mr. T. G. Jones, Secy. of the Board, to the
County Board - But it is not an
amendment to the 10th article. 2d 3d 3d 3d

17. Einige in Bonn -

4. For what fol.
Court, de Douer,
see Aust. 144.

Collected in the Lower *

1. He must have been the actor & will
be ^{present} ~~has~~ ^{be} ~~at~~ ⁱⁿ death - If him is a man -
so lo th the cannot be in now at 2 Pr 30.

Skew of a river a month h. - for this does
not dissolve the man : 2 N 132. E 132.

24 Bush: wa chiot, no dow — no maning
in law. 2 22. 30. 31. — formally golden cor

[illegible]

2. Best State Line - The ca of the main line
between fortification by company 1, line 3, lot 3

Legal.Rever.W. B. Holey not of
Severance.

is in alien cannot be enforced, must
be decided State for at Common Law, no
alien can hold land c. 2 B. 13, Co. L. 31
(May be made capable, by act of Legislature).

See Law Common c. 2 B. 31.

It must be a some time years old at
his death, or not enforced, c. 2 B. 131.

The case in which he must be made an issue,
that the wife might have had, might be ref-
used to have inherited. Ex. If a man married
in fee & having a son, by his first wife, mar-
ries a second; the latter shall have dower.
For, if the son of first wife had died, & issue
of the second might have inherited c. 2 B.
131, lit. p. 30. 53.

But he holds land to him, & the land
is held in his wife's right, he is not not
have dower - Her issue can by no possibility
inherit it, c. 2 B. 131, lit. p. 50.

He is in law, by the h. & issue - i. e.
a right of present possession of the land -
When we know to him his title to act as
he is in law, c. 2 B. 131, Co. L. 31 - He is in ca. & Severance,
ante - Co. E. 53.

Legal
Notes

Freehold, not a
Inheritance:

However, in the con. case, must be shown
to the widow her husband is dead. For he
become tenant of the whole by entry, &
the widow is in virtue of an under-let.
to him, & B. 135. D. Co. d. 34. 35.

+ by assent of
curator,

if the curator or his guardian does not show
a deed of assent, she has no remedy
at law, & the curator is not to show it.
c B. 135. D. & 34. 35.

For the mode in con. see L. C. 243.

For this part
5 following
rules in assent
curator.

However is barred in Eng. by eighteen years
of minority unless he voluntarily assented
to her, by deed. (2) - by total divorce -
by living in sin - by his marriage in most
cases - by detaching little deeds from the curator, and
till she restores them - How st. of Gloucester Olden
1) by showing the curator. c B. 135. Co. d. 34.

joining at law in
of his land,
as, by giving a fine, or offering a seignior,
curator curator B. 135.

2. Points left thenFinal coll.For years

+ in now, ten-
ancies have
been 15 years.

These are of three kinds: 1. For years -
2. At will, + 3. By sufferance. 2 Bl. 23.

I. An estate for years, in case the tenant
for some determinate, known term. For
20 years - for one year - for 99 years - a
year being the shortest term, which
he can on this subject, take notice of. 2 Bl.
40. tit. 1. 58. 57.

+ in denominating
years.

He who creates the estate, calls the
it by the ten. or ownership, he sees
2 Bl. 40. tit. 1. 57.

In a year, in law, is meant a calendar
year - In a month, it is meant
is meant a lunar month. (Mean in the law
month.) - 2 Bl. 23. tit. 1. 58. 57. only.
But a "lunar month" means a calendar
year. 2 Bl. 141. 62. 67.

Next in order to the law is by notice of
the fraction of a day. 2 Bl. 141. 62. 67. -
punctum tempus.

Finally, the highest rule might be adopted
in a year, or month, or day, the ten. of the pre-
sent - I say, now by Stat. 2. 4. 8. 12. 142.
c. 40.

On Statute of Mortmain
Frechold.

Freehold.

Statute relating to interest reversion is 44
- related to a freehold for life (2 R. 143.
Co. L. 40)

Where tenancy of freehold not necessary to
create, or transfer it - of course, it may
be made to continue in tenants - See
for freehold (2 R. 143. 4, 5 to 94)

Where free is not said to be free for
free is not of the freehold or land itself)
- but free - i.e. of the tenure, or chattel
int., but not of the land (2 R. 144. Co.
L. 40)

The word "term" is used to signify
not only the time or duration of the lease, but
the estate or int. of lease - When the term is
sometimes said to expire, before the expi-
ration of the time fixed (2 R. 144)

Thus, if a lease is made to last for three
years, the term expires at the end of the third year -
not for life at the end of one year, But
can the term be immediately - See if
the term was limited to the expiry of
the three years (2 R. 144. Co. L. 45)

if Everts less than
Frederick.

Acc. 100-17.

The next 12 years, in his extensive
special part, has the same extensive extent.
for Lib. 2 B. 44. 22. 35. 2. 45.

24. to quiescent - ^{by its own limitation,} till the ^{1st} ^{of the} ^{next} ^{autumn}, ^{when} ^{it} ^{is} ^{again} ⁱⁿ ^{flower}, & ^{at} ^a ^{certain} ^{or} ^{fixed} ^{time}, he is not ⁱⁿ ^{the} ^{fl.} ^{d.} ^{time}. 2. Live from June 1. 1840 to June 1. 1841. For he knows when he took the scale, the time of its ex. viz. 2, 3, 4, 5, & 6. 1841.

[illegible]

The boxes of embellishments
 & that I returned as sent to the
 Be. Exposition. 2 Boxes. Vol. 55.

42.

In years.

of Estates less than
ten years.

22. K. O. K.

— Ch. Luc.

An act will is imposed to secure
holders of the will of the Gift i.e.
determinable at his pleasure. p 34
Ms. 2.14.10.5.

It is, however, determinable, at the
 expense of water, heat, &c. (p. 145).
 C. & L. L. 797. 505.

Lepa has no certain index, least the
 est. for any kind - as the Lepa may
 be common when the Seas is, & P. 145.

But I hope he will be true
to the time of joining the base, I hope
has no ambition on the 2^d B. 40. Co. 50

Scus, it's confirmed by light not
C.B. 140. C.L. 55.

The ~~exp^{ts}~~ ^{neg^{le}} determination, by the exp^{ts} & clear of exp^{ts}, that exp^{ts} shall hold no longer - and must be made upon the land, or notice sh^d must be given before.
L. B. 145 & L. 55. Tent. 248

As this is both a vacation and a rest of holidays,
as Christmas & Epiphany in 2 P. 145. 2. 15.

Gravill.

Ch. Estuary & S. River

Freehold

... is taking a ...
on the land ... 145. ... 50

... is making a ...
to the ... to ... immediately.
... 140. ... 50 ... 80.

By
... 140. ... 50.

... the ...
... 140. ... 50. ... 15

... the ...
... 147. ... 50.

... the ...
... 147. ... 30.

... the ...

Notings, 17.

But ...
... 147.

+ also been ...
... 10

... 140. ... 50.

Frederick.

St. Louis

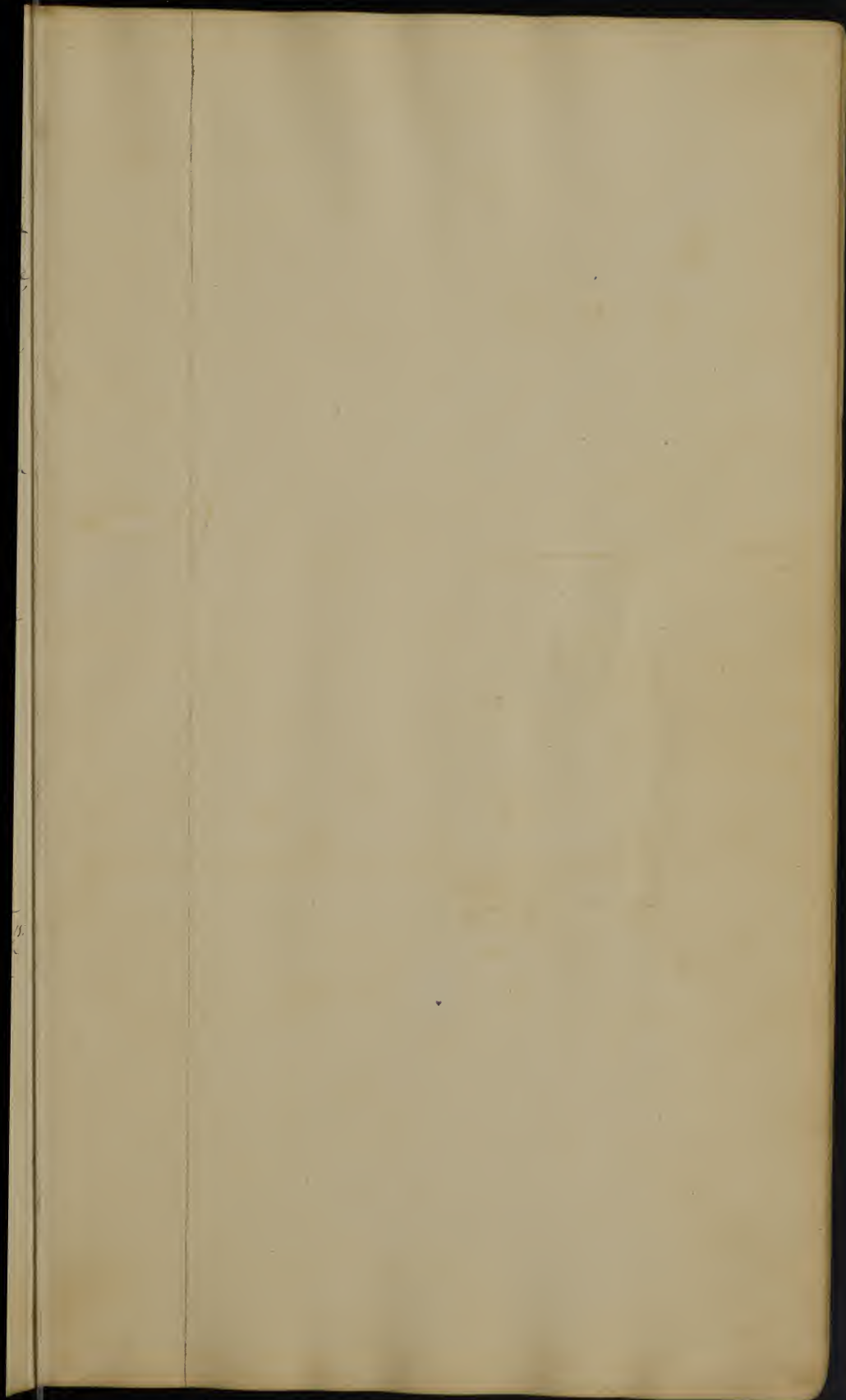
State of Affairs.

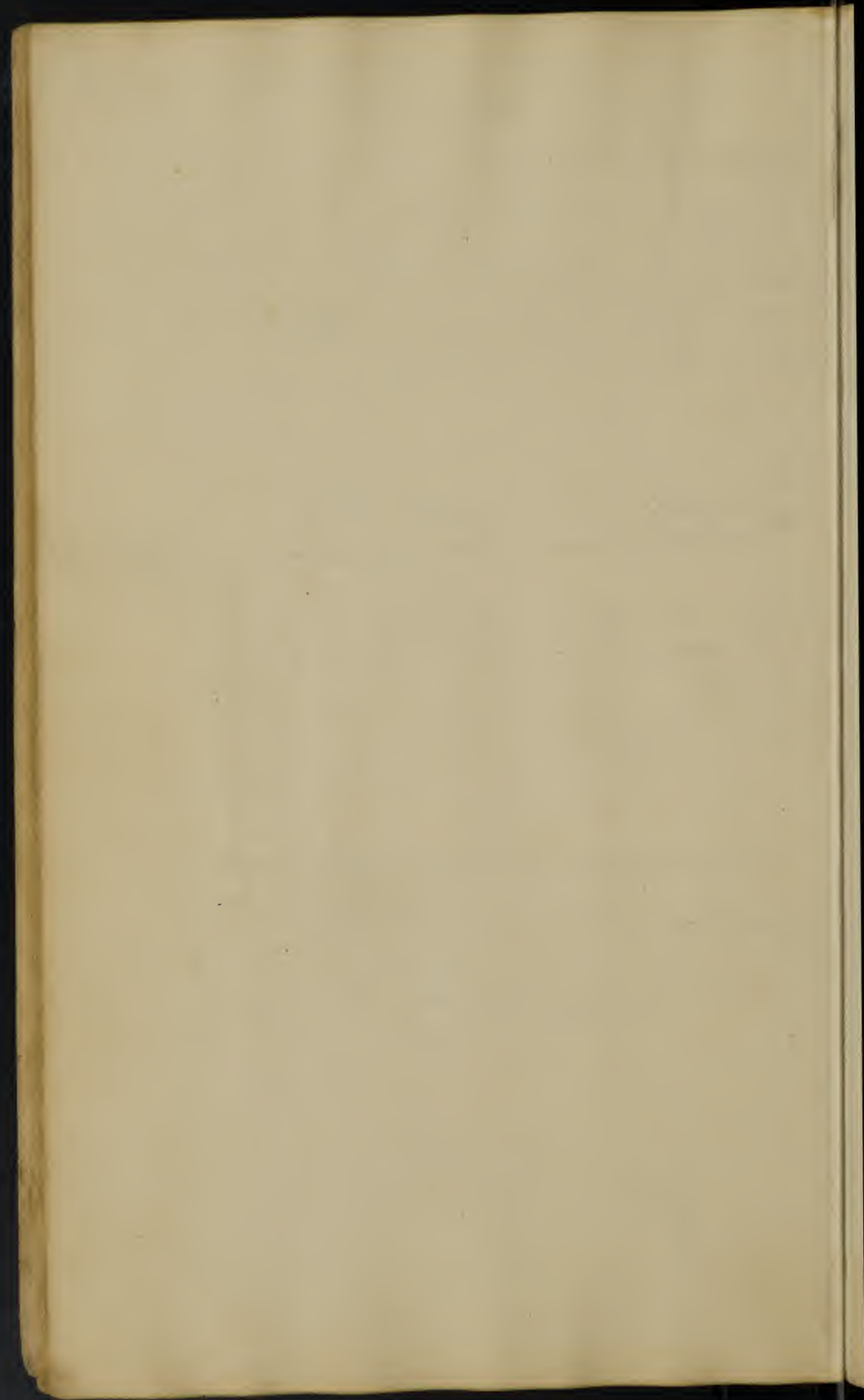
— If one comes into the house, I can't be
any less little, & a little, less it
is not a very little, he is called to it.
 It is the same. (2. 36. 150)

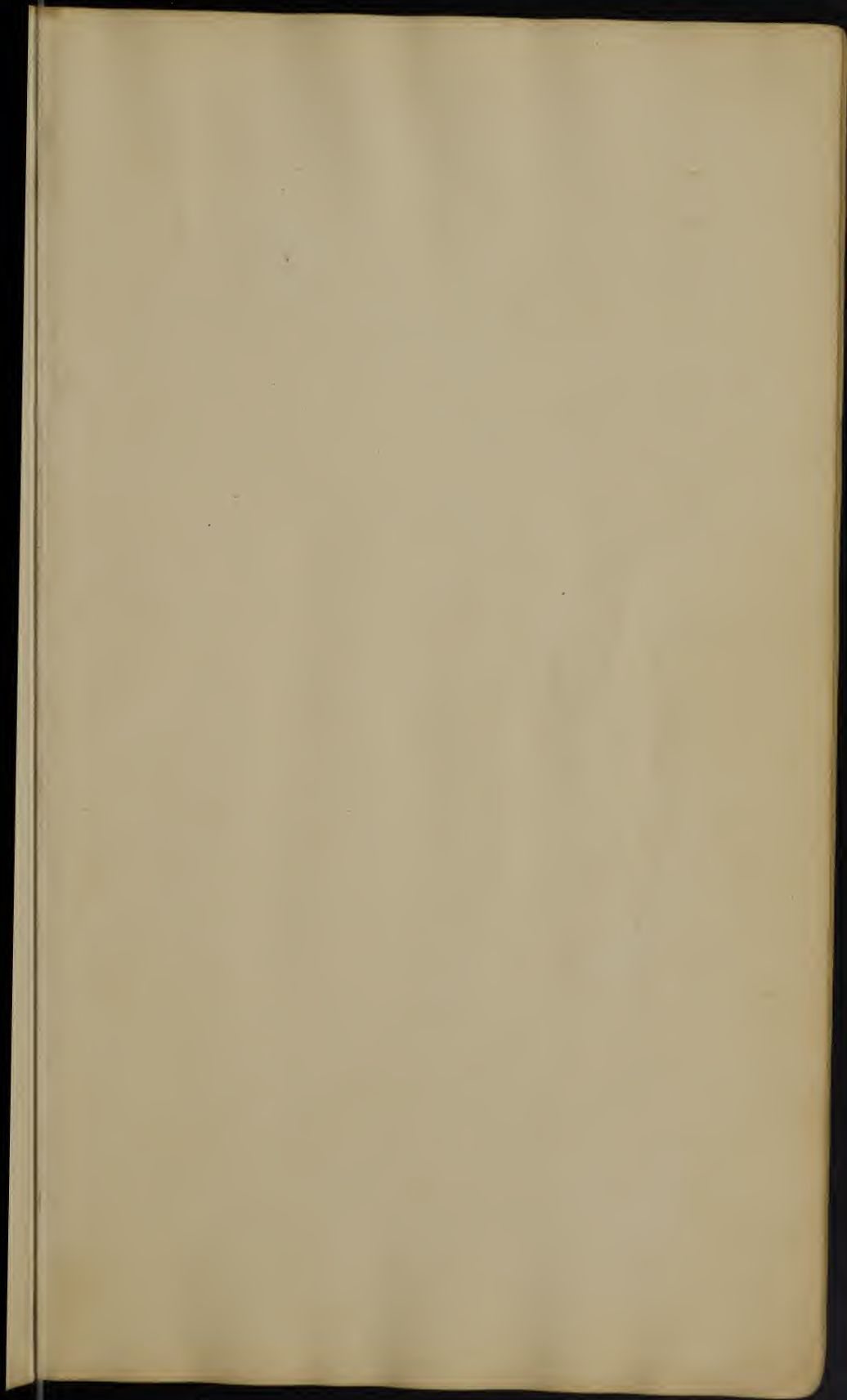
to range to 1000 for a year; Calvin has a
sight of the time he wishes us to hold
within bounds. c Bl 150. B. L. 57.

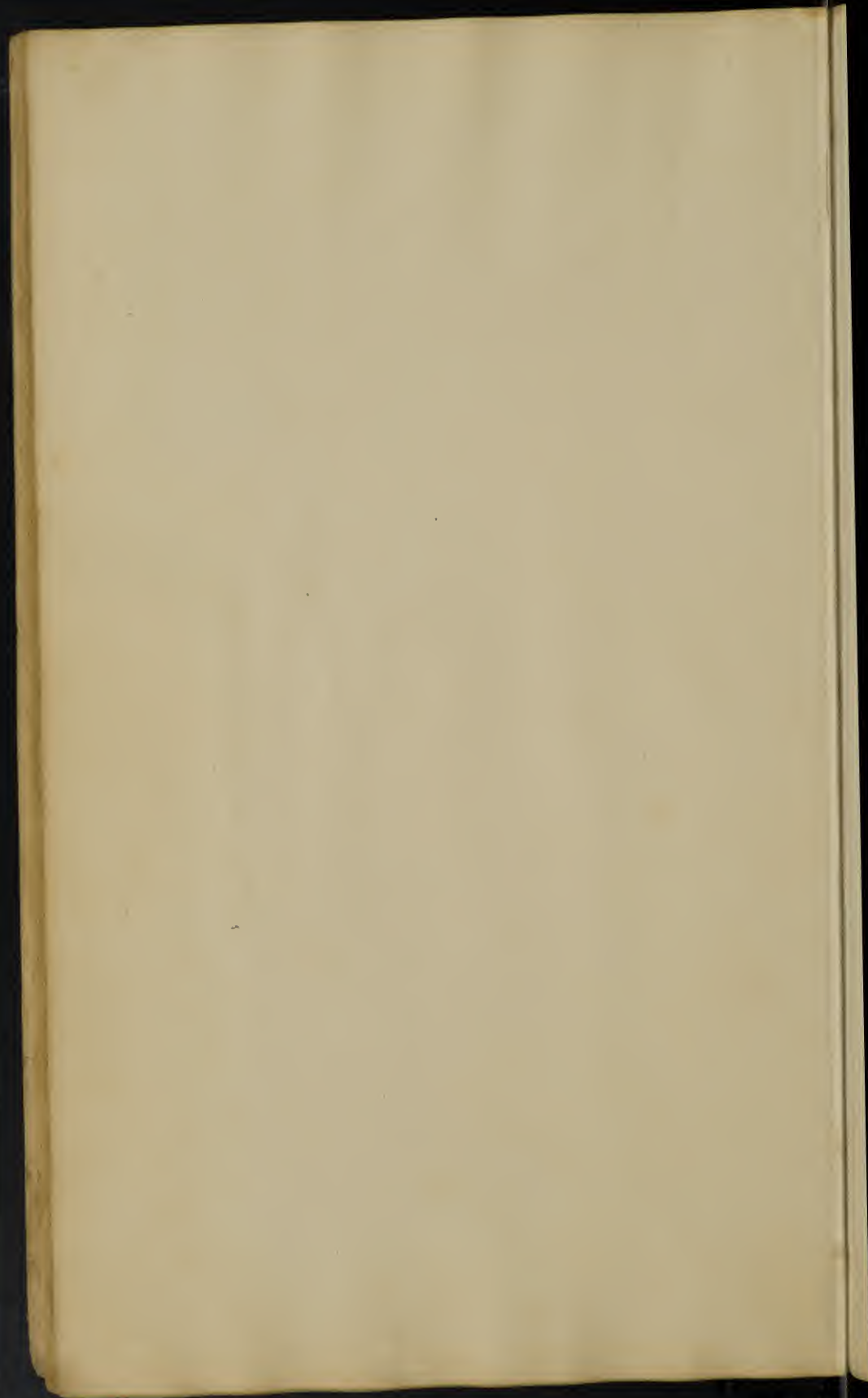
50, Samuel is a man who will have
much to do. He is about 25 years of age -
married in 1844. He has a wife who was
born in 1825. He is now 27.

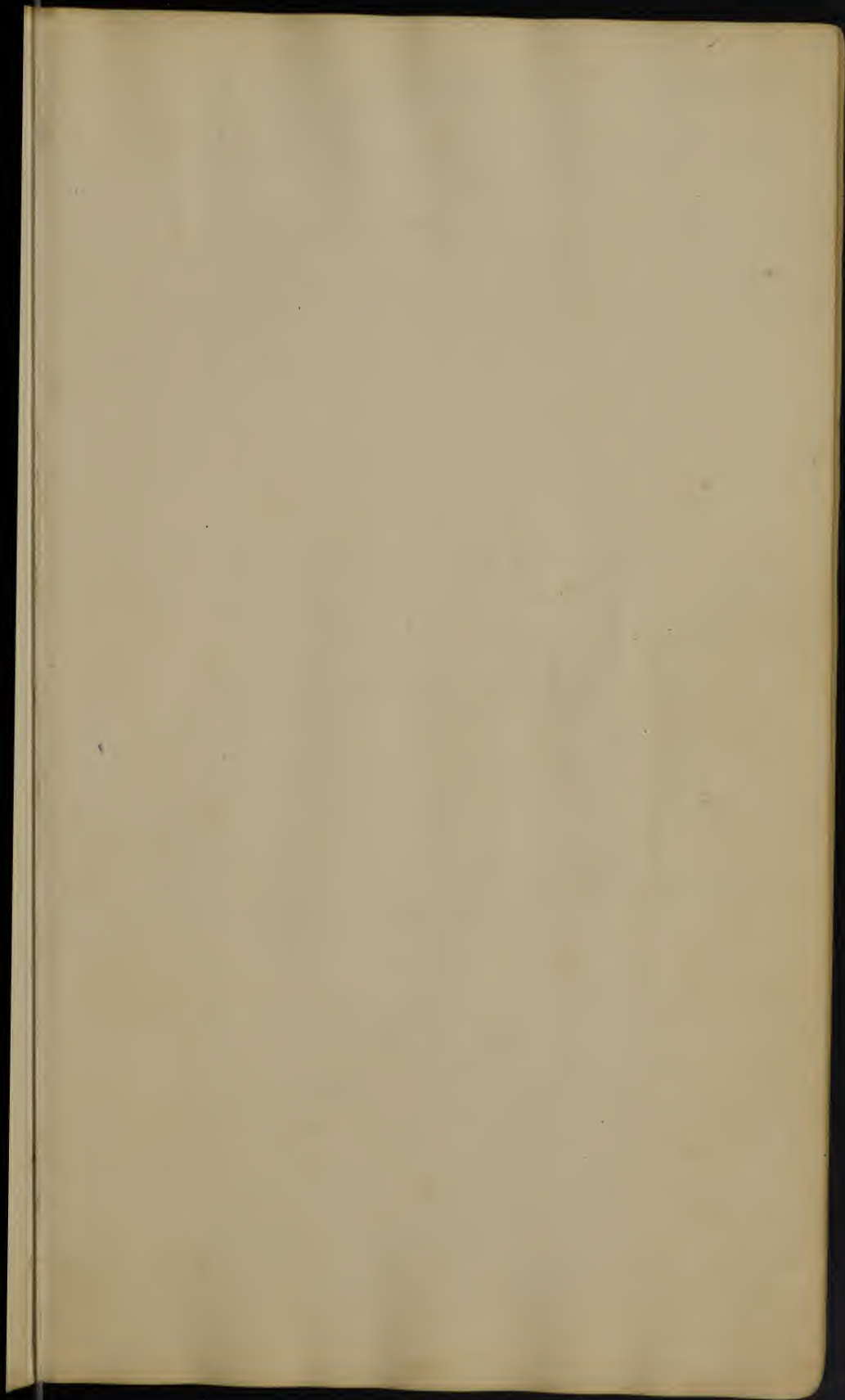
But know ests of said mine located in the
vicinity of the above, it is hereby
admitted to the public, and notice is given
that the same is now open for sale.











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1.

Of Estates in Reversion,
Remainder and Reversion

Estates ^{have been} ~~confessed~~ (as it is) with respect to
the quality of interest in the same:
now, with regard to the time of their
enjoyment (2 Bl. 163.)

Estates, under this view of the subject,
are divided into estates in Reversion
and estates in expectancy. (2 Bl. 163.)

Expectancies ^{by ancient com. law, are} of two sorts.

One created by act of the parties,
called a remainder; the other by act
of law, called a reversion. (2 Bl. 163.)

* An expectancy is
however, in future
and expectancy, but
is not, strictly a
rem^t, but in na-
ture a rem^t.

There has arisen, in modern times, however, a third species
of expectancy, called an executory interest. (p. 10.)*

Estates in Reversion

I. Of Estates in Reversion (or estates in reversion)
no need of any definition. All the estates
before treated of, are of this kind. On
page, a present interest passes (not de-
pending on any subsequent contingency)
(2 Bl. 163.) together with a right to
possession enjoyment. (See vol. 1. p. 163.)
These two, contingency, united, distinguish them
from estates in expectancy.

Plats in Remainder

(11)

If the estate in remainder is free,
 limited to take effect ^{in possession} ~~and in possession~~
 after another estate for the same
subject is determined. Ex. Grant
 by lease in fee, to A. for years and,
 after the determination of that es-
 tate, to B. and his heirs.

2 Bl. 164. Co. L. 142.

These interests ^{are} but one estate, equal
 to one estate in fee, only ^{three parts} ~~of~~ different
parts of the same whole, or of one
inheritance, all the parts ^{being} going
 to the whole. 2 Bl. 165. 2 Wms. 56

Hence, no remainder can be limited
 on a fee-simple. Tenant in fee has
 the whole inheritance.
 2 Bl. 165. Plowd 37. Naig 269.

The most proper word, to create a remainder, is the word, "remainder" itself (Co. D. 95. 2. Frowd 134 139 140). But this word is not indispensable.

General Rules

How created.

1. To create a remainder, there must be some particular estate, precedent to the estate in remainder; the former called the particular estate.

(2 Bl. 165. Co. L. 49. Frowd 25 34. Frowd 942)

There may, indeed, be a future est. created without a particular est. precedent; but it will not be a rem.

For "remainder" is a relative term, implying that some part of the thing is previously disposed of (2 Bl. 135) by the same act.

An estate created to commence at a future time, without an intervening estate, is then no remainder (not a reversion, but (2 Bl. 115) of an interest in land of 2 Bl. 165.

+ by the same act.

Genl Rule,

Estate in Remainder

5

+ But, if, if freehold, not that if freehold remainder must necessarily pass at y. time; for in case of contingent remainders, the freehold remainder does not pass, at the creation of the particular estate - (Pot. 12.) (P. 12.) - (Chapin's introduction)

p. 12.

But the reason of the rule has ceased to rest on a great measure; (P. 12. 166) real actions being almost entirely out of use, & in the modern mind (p. 12. 166) a trust of the freehold not being necessary, and livery of seisin is now not necessary to pass a freehold. The old rule being created by fiction, in modern conveyances, such as lease-folio, mortgage, &c., by deed &c. (P. 12. 166).

+ in fact,

* Besides, without which a freehold cannot pass, livery of seisin, in its nature, operates immediately or not at all - (P. 12. 166) + livery, p. 12. 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

+ Now the livery of seisin necessarily gives it immediate possession of y. freehold

For it is the act of giving present possession of a freehold - (P. 12. 166) + livery, p. 12. 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

Here present possession, i.e. livery of seisin must be given to A. to support the remainder; and this is construed to be giving seisin to A. both being one estate - and A. is presently seised of his remainder - (P. 12. 166, 167, 169).

A's estate commences in present, to be enjoyed in future. He has a present fixed right of future enjoyment.

Estate in Remainder

11.

Here, to the heirs of
4th unborn son of
(B.)

But remainder to the heirs of B. he living
unborn at the time, is void. The contin-
uance is a remote possibility; a possibility
from a possibility (i.e. that such a son
as A. should be born, and that he
should die during the particular
estate). (2 B. 40. 53. 54. 55. 1872)

"Ann" or "John"

A. is restricted to the unborn son of
A. is void - two possibilities, one depending
on the other: the remainder to the first ^{or last}
"unborn" of A. is good.
2 B. 140. Fearn. 144. 2 (35).

A remainder limited upon the happening
of something unlawful is void - re-
mote possibility. Upon this, principle a
remainder to an unborn son is void.
(2 B. 141. Fearn. 145. 6 B. 507. 2 (35).
+ Law. 33 (here is 73.) - void of policy?

note 6.
p. 26.

- + A limitation in failure of a preceding
limitation is not of contingent ^{possibility} but of certainty.
B. & H. v. Ham, 153. 399. 401. 229.

+ to create a
purchased rent,

B. & H.

* Otherwise, if the
rent is not to be in being

A contingent remainder of executed,
cannot be limited upon a vested estate
less than possibility. To fresh law must
be given grantor, at the creation of the
estate. (note, p. 44); and it must
not survive ^{then}. But it can vest ^{then}
in the remainder man, for his pre-
sent interest passes to him. (note, 44)
Eggs it must rest in the particular
tenant (L. B. 174. 180. 130. May 151.
2nd case 177.) Thus, in Amica to A. for years,
rent, on contingency, to B. in fee, 4th rent to
B. is void.

- + To give to A. and B. for their lives, and the
life of survivor. But if B. marries
and dies, if she then after his death to
A. and her heirs, and if A. dies single,
without issue to A. and her heirs - A.
and B. take a joint estate for life,
with contingent remainders in fee, to
each, in the alternative. (May 7th 5-

Contingent Remainder

18.

p. 10.

+ by vt. particular
tenant for life &
contingent remainder
remains.

Contingent remainder may be de-
feated by determining that it is to pass
on estate before the contingency hap-
pens - P. Death, alienation, forfeiture
J. 8th pp. 1. Co. 66. 135. Termes. 24. 4. 248. 258.
254. 258. 262. 270. 273. 2 leg 39.

p. 21. 29.

+ For, as the par-
ticular estate is
destroyed by the
line & it cannot be
held upon it
being destroyed must
fall & unless it
is.

And a contingent remainder may be barred by giving a
good remainder to a person who is to have it
- As, the remainder is given to the wife of himself & she dies
separated, it is barred. See 2 term 118-71

But a determination of the particular
tenant's reversion by the contingency
defeats the contingent remainder. For
though he is defeated yet if he retains a
right of entry, the remainder is sup-
ported. (J. 10th pp. 196. 199. 12. Mod. 174.
20. Ray. 310. Kin. 349.) - As he is, it is
in law - in particular that is required, if he is,
(1800-?) then his right of entry is barred, & if
contingency happens, between those two events,
him good.

+ if his estate
of course, con-
tinues.

From the liability of contingent remainder to be thus
defeated, the practice
of appointing trustees to preserve con-
tingent remainders - invented during
the civil wars to prevent a collu-
sion of the remainder - P. To a for life,
remainder to B during the life of A -
not minor to C at death. If A should
die, B's remainder would vest and
continue till A's death, when, if
born, would take (J. 11th pp. 60. 63. 67.
160. 33. 3 leg 31. 1. Mod. 42. 2. Atk. 243. 542.
544. Termes. 84. 84. 88. 95-120. 121. 133. 152-74

+ of vt. particular
estate

+ Any number of
trustees may be thus
employed.

Estates in Remainder

The question, whether a remainder
is vested or contingent, depends upon
the nature of the limitations; not, as
some on the probability or improbability
of ^{actually} taking effect his position.

in life. 4. Grass to tail, remained
(Harris, 52) to 6. This is a rested remainder.

184-5-192. Nov. 90-1. Sal 232.3

2d. Ray 2593 f. 3. W. 40 x 9 w. Buckhorn
this Buckhorn time, were one so - 2d, ~~40 x 9 w.~~

He's a kind a nervous ^{issue} continuity. That is con-
tinued adversity - on so continuous, a con-
tinued, perhaps, a recent inst. to be used in future,
(tho' it may never be actually enjoyed).

[illegible]

4; the uncertainty whether a re-
mainder will survive ^{in entirety} ~~not~~ ^{not} ~~be~~ ^{be} ~~it~~
will ^{ever} take effect in possession, which
renders a remainder contingent.

P. liooer (P2) Ext. mpa.

Thus, tho' in a grant to A for life, remain-
over to B, the remainder is vested, yet if
the remainder is limited, "in case C"
survives Ath, it is contingent ^{* P. 11, 12.}

The percent capacity of taking
effect in proportion of the proportion
of proportion in proportion in proportion.

Fearne 14th 18th distinguished a note. From ~
 coming. ^{to} (Two later?) ¹ ² ³ ⁴ ⁵ ⁶ ⁷ ⁸ ⁹ ¹⁰ ¹¹ ¹² ¹³ ¹⁴ ¹⁵ ¹⁶ ¹⁷ ¹⁸ ¹⁹ ²⁰ ²¹ ²² ²³ ²⁴ ²⁵ ²⁶ ²⁷ ²⁸ ²⁹ ³⁰ ³¹ ³² ³³ ³⁴ ³⁵ ³⁶ ³⁷ ³⁸ ³⁹ ⁴⁰ ⁴¹ ⁴² ⁴³ ⁴⁴ ⁴⁵ ⁴⁶ ⁴⁷ ⁴⁸ ⁴⁹ ⁵⁰ ⁵¹ ⁵² ⁵³ ⁵⁴ ⁵⁵ ⁵⁶ ⁵⁷ ⁵⁸ ⁵⁹ ⁶⁰ ⁶¹ ⁶² ⁶³ ⁶⁴ ⁶⁵ ⁶⁶ ⁶⁷ ⁶⁸ ⁶⁹ ⁷⁰ ⁷¹ ⁷² ⁷³ ⁷⁴ ⁷⁵ ⁷⁶ ⁷⁷ ⁷⁸ ⁷⁹ ⁸⁰ ⁸¹ ⁸² ⁸³ ⁸⁴ ⁸⁵ ⁸⁶ ⁸⁷ ⁸⁸ ⁸⁹ ⁹⁰ ⁹¹ ⁹² ⁹³ ⁹⁴ ⁹⁵ ⁹⁶ ⁹⁷ ⁹⁸ ⁹⁹ ¹⁰⁰ ¹⁰¹ ¹⁰² ¹⁰³ ¹⁰⁴ ¹⁰⁵ ¹⁰⁶ ¹⁰⁷ ¹⁰⁸ ¹⁰⁹ ¹¹⁰ ¹¹¹ ¹¹² ¹¹³ ¹¹⁴ ¹¹⁵ ¹¹⁶ ¹¹⁷ ¹¹⁸ ¹¹⁹ ¹²⁰ ¹²¹ ¹²² ¹²³ ¹²⁴ ¹²⁵ ¹²⁶ ¹²⁷ ¹²⁸ ¹²⁹ ¹³⁰ ¹³¹ ¹³² ¹³³ ¹³⁴ ¹³⁵ ¹³⁶ ¹³⁷ ¹³⁸ ¹³⁹ ¹⁴⁰ ¹⁴¹ ¹⁴² ¹⁴³ ¹⁴⁴ ¹⁴⁵ ¹⁴⁶ ¹⁴⁷ ¹⁴⁸ ¹⁴⁹ ¹⁵⁰ ¹⁵¹ ¹⁵² ¹⁵³ ¹⁵⁴ ¹⁵⁵ ¹⁵⁶ ¹⁵⁷ ¹⁵⁸ ¹⁵⁹ ¹⁶⁰ ¹⁶¹ ¹⁶² ¹⁶³ ¹⁶⁴ ¹⁶⁵ ¹⁶⁶ ¹⁶⁷ ¹⁶⁸ ¹⁶⁹ ¹⁷⁰ ¹⁷¹ ¹⁷² ¹⁷³ ¹⁷⁴ ¹⁷⁵ ¹⁷⁶ ¹⁷⁷ ¹⁷⁸ ¹⁷⁹ ¹⁸⁰ ¹⁸¹ ¹⁸² ¹⁸³ ¹⁸⁴ ¹⁸⁵ ¹⁸⁶ ¹⁸⁷ ¹⁸⁸ ¹⁸⁹ ¹⁹⁰ ¹⁹¹ ¹⁹² ¹⁹³ ¹⁹⁴ ¹⁹⁵ ¹⁹⁶ ¹⁹⁷ ¹⁹⁸ ¹⁹⁹ ²⁰⁰ ²⁰¹ ²⁰² ²⁰³ ²⁰⁴ ²⁰⁵ ²⁰⁶ ²⁰⁷ ²⁰⁸ ²⁰⁹ ²¹⁰ ²¹¹ ²¹² ²¹³ ²¹⁴ ²¹⁵ ²¹⁶ ²¹⁷ ²¹⁸ ²¹⁹ ²²⁰ ²²¹ ²²² ²²³ ²²⁴ ²²⁵ ²²⁶ ²²⁷ ²²⁸ ²²⁹ ²³⁰ ²³¹ ²³² ²³³ ²³⁴ ²³⁵ ²³⁶ ²³⁷ ²³⁸ ²³⁹ ²⁴⁰ ²⁴¹ ²⁴² ²⁴³ ²⁴⁴ ²⁴⁵ ²⁴⁶ ²⁴⁷ ²⁴⁸ ²⁴⁹ ²⁵⁰ ²⁵¹ ²⁵² ²⁵³ ²⁵⁴ ²⁵⁵ ²⁵⁶ ²⁵⁷ ²⁵⁸ ²⁵⁹ ²⁶⁰ ²⁶¹ ²⁶² ²⁶³ ²⁶⁴ ²⁶⁵ ²⁶⁶ ²⁶⁷ ²⁶⁸ ²⁶⁹ ²⁷⁰ ²⁷¹ ²⁷² ²⁷³ ²⁷⁴ ²⁷⁵ ²⁷⁶ ²⁷⁷ ²⁷⁸ ²⁷⁹ ²⁸⁰ ²⁸¹ ²⁸² ²⁸³ ²⁸⁴ ²⁸⁵ ²⁸⁶ ²⁸⁷ ²⁸⁸ ²⁸⁹ ²⁹⁰ ²⁹¹ ²⁹² ²⁹³ ²⁹⁴ ²⁹⁵ ²⁹⁶ ²⁹⁷ ²⁹⁸ ²⁹⁹ ³⁰⁰ ³⁰¹ ³⁰² ³⁰³ ³⁰⁴ ³⁰⁵ ³⁰⁶ ³⁰⁷ ³⁰⁸ ³⁰⁹ ³¹⁰ ³¹¹ ³¹² ³¹³ ³¹⁴ ³¹⁵ ³¹⁶ ³¹⁷ ³¹⁸ ³¹⁹ ³²⁰ ³²¹ ³²² ³²³ ³²⁴ ³²⁵ ³²⁶ ³²⁷ ³²⁸ ³²⁹ ³³⁰ ³³¹ ³³² ³³³ ³³⁴ ³³⁵ ³³⁶ ³³⁷ ³³⁸ ³³⁹ ³⁴⁰ ³⁴¹ ³⁴² ³⁴³ ³⁴⁴ ³⁴⁵ ³⁴⁶ ³⁴⁷ ³⁴⁸ ³⁴⁹ ³⁵⁰ ³⁵¹ ³⁵² ³⁵³ ³⁵⁴ ³⁵⁵ ³⁵⁶ ³⁵⁷ ³⁵⁸ ³⁵⁹ ³⁶⁰ ³⁶¹ ³⁶² ³⁶³ ³⁶⁴ ³⁶⁵ ³⁶⁶ ³⁶⁷ ³⁶⁸ ³⁶⁹ ³⁷⁰ ³⁷¹ ³⁷² ³⁷³ ³⁷⁴ ³⁷⁵ ³⁷⁶ ³⁷⁷ ³⁷⁸ ³⁷⁹ ³⁸⁰ ³⁸¹ ³⁸² ³⁸³ ³⁸⁴ ³⁸⁵ ³⁸⁶ ³⁸⁷ ³⁸⁸ ³⁸⁹ ³⁹⁰ ³⁹¹ ³⁹² ³⁹³ ³⁹⁴ ³⁹⁵ ³⁹⁶ ³⁹⁷ ³⁹⁸ ³⁹⁹ ⁴⁰⁰ ⁴⁰¹ ⁴⁰² ⁴⁰³ ⁴⁰⁴ ⁴⁰⁵ ⁴⁰⁶ ⁴⁰⁷ ⁴⁰⁸ ⁴⁰⁹ ⁴¹⁰ ⁴¹¹ ⁴¹² ⁴¹³ ⁴¹⁴ ⁴¹⁵ ⁴¹⁶ ⁴¹⁷ ⁴¹⁸ ⁴¹⁹ ⁴²⁰ ⁴²¹ ⁴²² ⁴²³ ⁴²⁴ ⁴²⁵ ⁴²⁶ ⁴²⁷ ⁴²⁸ ⁴²⁹ ⁴³⁰ ⁴³¹ ⁴³² ⁴³³ ⁴³⁴ ⁴³⁵ ⁴³⁶ ⁴³⁷ ⁴³⁸ ⁴³⁹ ⁴⁴⁰ ⁴⁴¹ ⁴⁴² ⁴⁴³ ⁴⁴⁴ ⁴⁴⁵ ⁴⁴⁶ ⁴⁴⁷ ⁴⁴⁸ ⁴⁴⁹ ⁴⁵⁰ ⁴⁵¹ ⁴⁵² ⁴⁵³ ⁴⁵⁴ ⁴⁵⁵ ⁴⁵⁶ ⁴⁵⁷ ⁴⁵⁸ ⁴⁵⁹ ⁴⁶⁰ ⁴⁶¹ ⁴⁶

#/Because A's est. may
determine, before his
death; but B's inst. can
not act, before it's death.
Deming, 72

~~1/2 gal. blue & green~~
~~at the~~
~~threshold!~~
1/2 gal. blue & green
± 30 A. for life, sent
to B. K. immediately - cc,
I can't say for life
sent to B. K. for life
"mural" - a "life" shot
I took 21/4 cent. ago
and sup. a forger
to go on last cu.

Estates in Remainder

B.

If an estate is limited to two with remainder, in one event to one ^{of them} and in another, to the other, these latter limitations are called cross-remainders. (4. Bac 333. Comp. 31. Hosh. 33. Op. 383) (Exgr)

It has been said that cross-remainders cannot arise between more than two. (4. Bac 333. Cr. 1655.)

Rule. When to be raised by implication between two only, the presumption is in favour of the one ⁱⁿ Secus if more than two. (Comp. 780-31. 2 East. 40. 16. Court. 799. 1 Ent. 229. But v. presumption may be rebutted by circumstances of manifest intention, either way (Comp. 780.)

i.e. v. construction is in favor of them.
+ Because of y confusion, which is attend limitations in favor of them among three, or more.

Said that cross-remainders cannot be created by deed. (4. Bac 333. Co. L. 23) Not law. The rule is that they cannot be raised by implication in a deed, ^{but} must be expressly limited. (4. East 410) In a deed they may be raised by implication. (Ex. 10. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.)

for their joint lives.

In Common Law as is supposed by many, a freehold may be created by deed to commence in futuro if the limitation is not more remote, than to the person in being, or to the immediate issue of a person in being. (St. 31. 43) Reynolds (3. 1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.)

2. 4. 1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.

Of Executory Devises

There is a species of expectancy, which is not strictly a remainder (tho' of a similar nature), and which is called an executory devise. (2. Bl. 172.)

Generally defined to be "a devise of a future interest ~~to~~ to take effect ^{not} upon the testator's death, but on some future contingency." (2. Bl. 172. 1. Eq. Ca. 186.)
~~Not a remainder~~ ^{complete}: For it includes as well contingent remainders, as executory devise. (Fearn. 298) - specific diff. not given. That approp. from of next rule.

~~A~~ the Definition, now generally adopted: -
 An executory devise (or bequest) is such a limitation of a future interest, by will, as the law admits in wills, but not in Common Law conveyances.
 (Fearn. 299. 295. 294 383. 2. Saunders 388.
 3. W. 487. 763. 2. Ves. 611. 2. Woot. 239.
 3. Atk. 568. Cart. 344. Cro. 254.)

+ Heavenly neg- [This is a description only, referring to the nature of limitation to a collateral test. But a recipe, logical in its construction only. It is a disposition (upon c. by parol), which is complete to be effect in law of any one. The nature of limitation must be ascertained, from the facts of each case.]

Executory Devises

If there be such a limitation for a future interest, as would be good by way of contingent remainder; made by devise; it is a contingent remainder (Frame 299, 302. Co. Lk. 310. 4. Mos. 258. 2. Moor 299, 303. Doug. 195) For a contingent rem. may be limited by devt. - Ex. Lint. to A. a life, rem. to B. on 4th day of his mar. This limits A. in a conting. rem.; tho' made by devise.

+ If a limit. by devt. will be good, if made by devt. can be an ex. devt.? For ex. devt. ~~are~~ are admitted, solely for purpose of giving effect to certain kinds of limit. wh. ~~is~~ not be made in devt.

Exec. devt. during a lives merely, out of incumbence to a mar. but will and testament, (he being subjected in his capit.), where, otherwise the limitation would be void (2 Bl. 198. Frame 299. 2. Moor 299. Co. Lk. 256.

The doctrine of executory devises originated in the reign of Elizabeth. Instit. of devt. that time. (3. R. 93. 95)

An executory devise differs from a be-
questary, as to the mode of its creation
in 3. particulars -

I. A limitation, in reversion, of land, &c. and his heirs, to commence on the day of his marriage, if good ^{the} anchore to / commence infuture, without a particular lay related to support it. By a deed in fee to the husb of A. when he shall have one ^{issue} in issue (2 Bl. 173. Term. 383-4)

1. Sid. 153. G. 1593. Sal. 226. 229. G. 1878. Palm. 136. 1. G. C. 2. 188. Pow. D. 255 & 2. 1600. 233.

- The fee in the mean time descend to the heirs of the devisor, till it be devoted. (2. 1600. 233. Doug. 481. n. 1. 1. 10 505.) on the happening of the contingency.

ante, 8.
Sewie, 71.

+ or rather sub-
stituted for it.

II. A fee or other estate, may be limited after a fee ^x - to A. and his heirs, but if he die before 21, to B. and his heirs - or to A. and his heirs, provided that if B. pay 500 to A. by such a time, then to B. and his heirs. (2. Bl. 173. 398. 2. Mod. 289. Term. 303. Sal. 229. Palm. 136. 2. 1600. 181. 186. 226. La. Ray. 208. 1. G. C. 360.)

- Here indeed the limitation is not to take effect, after the expiration of the first fee, but as a substitute for it ^{substituted} (Pow. D. 230. 1. 16. Mod. 120. Term. 418.)

+ but it will be in
possession;

And strictly speaking, the limitation is only a substitution of one fee for another fee, in a certain case, for another.

Executory Devices.

III. A Remainder may be limited of a chattel interest after a life estate to G. H. having a term of years, deriving it from A. for life, remainder to B. ^{not as} by deed. ^{the} life estate is higher than ^{any} term of years, and so, a total disposition of it, at Common Law (2 Bl. 174. 3 Wood. 238. 8 Co. 95.

Formerly a distinction was taken between a bequest of the use of a chattel for life, ^{or remainder} and of the thing itself, that the remainder was good in the first case; but in the last, ^{now good in both} cases. (2 Bl. 398. Term. 354. Cro. C. 346. 8 Co. 95. 10 Co. 46. 1 P. W. 1.) And such will may be limited to any number of persons, successively. (2 Bl. 174.)

The above distinctions between remainders and executory devices, relate to the mode of their creation, rather than to the different natures of the estate, when created. (Term. 355.)

Exercising Reins

The rule is, that an annuity will
to be paid must be limited sp. to
take effect, if at all, within a life, or
ages, or years, and 21 years, and the
expiration of a year (or 24 ⁸⁰⁰ months) if
terminable. (3 Bl. 14. Sumner's 500 500)

2 Nov. 289. 1 Egg.

188

* As a dev. to ye
first unborn son of
A. when he shall
attain the age of 21.

7. Mr. F. B. 100. Feb. 228. Dec. 540. ~~the 21st~~
 of a dove to his hair, in condition, that on a
certain event, it shall go to the first born son of B.
this hair, at this age of 21; the last time it is good in any
of us de.

And if, according to the terms of the
deed, the contingency may possibly
happen at a remote distance period,
the limitation is void in its creation.

I must therefore perjure to the first unborn son of a
 man who shall attain the age of 21, is
 for, in saying ~~that~~ ^{and} his heirs, with con-
 dition that on a certain event it shall
 go to the unborn son of B. 11th. (2)
 But perjure flaming to the unborn
son of Barth unborn, i. e. i. e.
 2 Bl. 174. Term. 314. 268. 333 355-6.
 (10th. 207)

Blackstone and they can do so a different point with respect to the remain-
der of a chattel interest viz. that at the
terminion must be in the passing
the life of first devisee and that the contingency
for which the ultimate limitation
is to vest must happen during his life.

B. 1st 134-5. 1st ed. 47. Skin. 341.

According to this rule, a person in a chattel interest,
by way of disposit, may be for life, then to for life, and
then to the unborn son of B. even if he is not,
as to the unborn son. For the rule limits
the ultimate contingency to a life in being - i.e. the
life of first devisee. But in example, son might not be
born within his life, nor within 21 years thereafter.

But the rule seems now to be fully
settled that the period allowed for the happening
of the contingency is the same in all the
3 kinds of hereditary disposit. So that the limi-
tation is good if it is so framed as to happen
effect within a life or living in being &c.
at supra. * (Fam. 320-1. 355-6. 362-3. 382.
rp. 283. 4. 102. 2. 15421. Wren 234
rp. 283. 4. 102. 2. 15421. Wren 234)

of a chattel
+ Hence devise
to B. for life - i.e.
to B. for life - i.e.
to C. for life - i.e.
to C. for life - i.e.
all being in the
disposit of y.
devisee, not
y. ultimate devisee
to y. last person
disposit of y. devisee
last survivor,
when we shall
noting age of

357. 394. 2. 15421. 230-1. 3 Br. Ct. 35. 4. 102. 2. 15421. Wren 234
351. 395. 2. 15421. 230-1. 3 Br. Ct. 35. 4. 102. 2. 15421. Wren 234
then, cannot be a person more remote, than y. immediate
issue of a person or persons, in being, at y. time of devising (i.e.)

* As to devise to infant in ventre sa mere,
see verba de devote, de latus, see For. 2.
320. 335. - Devise in 8. R. 2. 1. 1. 1.

And even a posthumous child of the last survivor
take under the final devise, at y. age of 21.

Executory Bequest

+ Tag of ex. agr.
 (and in consi-
 deration) has a
~~peculiar~~ pecu-
 liar interest, but
 it has no origi-
 nal jurisdiction
 on grants, or
 conveyances, or
 assizes. - Wid. E. v. R. of Ch. 8.

An assignment of such interest is good
 only, but executory. It will be enforce-
 ed as an agreement, in that Court.
 But that assignment must be for a
 valuable consideration, or for a con-
 sideration in the "second degree" as
 for the advancement of a child.
 Not enforced if purely voluntary -
 (D. Moore?) 21 B. 1. Vesby. 7. Fearn. 440 + 2.
 3. Fearn. 250. 9. Mod. 111. 3. R. 608.

5. 18.

Events happening after the execution
 of a will, and before the consum-
 mation of it, by the death of the testator
 (as before stated), may vary the limitation from a
 remainder to an executory devise.
 Darg. 395. 6. Fall. 44. Fearn. 401. 419.
 like Fearn. 420. Darg. 476. noted.
 See an example, p. 11.

But events, happening after testator's
 death, cannot, qu. 14, have such an effect.
 For it will have its operation from the event.

Events, so happening, may, however, have the same
 effect, it seems. Wants (i.e. event happening
 after testator's death) if there is a double
 contingency. E. that a limitation,
 which, in one event, has not hap-
 pened, would have been a remainder
 if it were, in another, which, does
 happen, be construed an executory
 devise. The limitation in such
 case is called a limitation "upon a

+ including a
provision for such
events.

#/tho' after testator's
 death,

Executors & Devisees

20.

double contingency" (Dough 476a
 2 Ves 249. But what a contingency, with
 a double aspect? (see 2 R. & B. 686.)
~~and this may be avoided~~ (Dough 476a)
~~in the~~ if operation, as an executory
 devise in one case is provided for by
 the terms of the limitation.
 R. & B. 243. 249. Dough 476. Fearn, 420.
 And as a limitation may be indirect, Dough 470.

* In the case of the first
 limitation to be in
 40th year from the
 year 11, the second
 of a contingency
 contingent, but not
 the failure of
 second, an ab-
 solute limitation
 may be in 227.
 I am the first
 vested, this is
 possible? 227.

If the ^{in a will} first limitation is an executory devise
 whose ^(with same subject) which follows are so. I conceive (and
 it is said that when the first vests in
 possession, those which follow, vest in in-
 terest, and become vested remainders)
 Dough 478. ^{and limitation to take effect on 24 day of his death}
^{which comes to B. in fee - B. rem. vests in son on}
^{the day of his marriage}
 But the last position, I conceive can
 not extend to ^{the} case, in where the subse-
 quent limitation depends upon ^{an} event
 which has not happened, when the first
 vests in possession - See Dough 478. 479.
 Fearn. 390. 2 Ves 249.
 By Dev. to st. in tail, provided he attains
 the age of 21, rem. to B. in fee, on the day of
~~his marriage~~ ^{provided he shall}
^(this est. of course, vests on 24th)
 marry - if at any 21, for B. is married.
 B. rem. cannot vest ^{in vest} till he marries: & sub-
 ject of last limitation is known not in the when it
 first vests in possn.

Estate, in ReversionIII. Estate in Reversion

An estate in reversion is the residue of an estate, left in the grantor, to commence in possession, after the termination of some particular estate, + in yr. same subject, granted by him. (2 Bl 145. Co L 29. 2 Moor 142.)

It is present in fee grants for years for life or in tail - the residue of the inheritance in him

The reversion vests in grantor by act of law without any reference. For what he very well understands, remaining with him of course.
(2 Bl 145. 2 Moor 142. B. 3 Lev 406-7)

A reversion can be created only by deed, a will, a reversion only by operation of law. (2 Bl 145. 2 Moor 143. Co L 30. Co L 296)

But both are transmissible, when a reversion being estate in present to take effect in future. (2 Bl 145)

Estates in Reversion

But it is not necessarily incident to, by special words, the rent may be granted without the reversion, and the reversion without the rent. - And the reversion will not pass by a general grant of the rent.

(2 Bl. 146. Co. L. 32. 2) For the reversion is principal; the rent is but an incident. And tho' the incident passes by a gen. grant of the principal; yet this does not hold in converso.

It is a rule of the common law, that if one make a lease, the reversion can not be granted ^{afterwards} away till lessee enters. - This is founded on the doctrine of attornment* and since the necessity of attornment has ceased (by Statute 4. 8. 5 Anne and 11. George 2. 1); the rule must cease also. (1 Wood 143-4 Co. L. 15. 315. 1st § 567. 2. Bl. 42. 288. 290.) Attornment, not known in Court. derived from general principles. (2 Bl. 42 288.)

* (i.e. yr. receipt, by yr. lessee, or tenant, of a grant of yr. rent, as his landlord.)

A reversion may be granted by the word "land." - If of the grant of such a lot of land, in which grantor has only a reversion. (1 Wood 174. 10 § 107. Plowd 433.)

Estates in Reversion

~~By the common law~~ ^{By the common law} ~~the Statute of Mortmain~~
~~a freehold~~ ^{a freehold} vested reversion ~~could~~
~~not be granted except by fine, or by~~ ^{In the case of a}
~~deed, and attornment~~ ^{the livery of}
~~seisin; it being an expectation~~
Yet a vested reversion for years
might be conveyed without deed.
(2 Wood 144. Bro 2143. Litt. § 554
Perk. § 61.) It being but a chattel-
interest, ~~the livery of seisin not being necessary to transfer~~
~~it~~ to y^e transfer of it neither livery, nor deed, is enough
at com^{on} law.

^(com. law § 485. Litt. § 1140. 21)
A devise of a reversion was always
good without attornment; (as a devise
of an estate in possession is, without livery)
(2 Wood 144. Perk. § 554) - For on reversion's
death, there must, of course, be a change of landlord.

2. the whole reversion may be granted
away, so it may be divided, and a
particular estate or estates ^{may be} created, lea-
ving the ultimate reversion in ^{the} grantor.
4. Reversion in fee, granted for years,
to commence from the expiration
of the subsisting particular estate.
(2 Wood 144. Perk. § 554) - So, to a life tenant, &c.
in tail: ~~the reversion~~ ^{the ultimate} ~~reversion~~ ^{reversion} ~~is~~ ^{is}
mainly in y^e grantor

But they must meet in one person. In one and the same right, being no merger. Q. One has the reversion in his own right, and the particular estate for a term for years, as accident. So if he has the particular estate in right of his wife. 2 Bl. 144. Plow. 418. Co. L. 338. Co. L. 339. If the wife were merged, otherwise he is injured as young or his wife's last example.

Title by deed 27.

(Reversion of an estate tail) ^{or immediate} ~~tail~~ and reversion in person, in one right, ^{or immediate} ~~tail~~ in person meet in one, there is no merger. For tenant in tail can not surrender, ^{nor can he} ~~not~~ destroy the estate, except by fine or recovery. To allow a merger might defeat his issue, (2 Bl. 144. & 2 Co. L. 339. Co. L. 340) by other means. Can there not be a merger in the case of a reversion in the same person? 2 Bl. 172. 2 Co. L. 340. 2 Co. L. 341.

T. S. J. & S.

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